

# Senate Amendment 3249

PAG LIN

1 1 Amend Senate File 415, as amended, passed, and  
1 2 reprinted by the Senate, as follows:  
1 3 #1. Page 1, by inserting before line 1 the  
1 4 following:  
1 5 <Sec. \_\_\_\_\_. NEW SECTION. 384.3A PROPERTY RIGHTS  
1 6 DEFENSE ACCOUNT.  
1 7 1. A city may establish a property rights defense  
1 8 account within the city's general fund. If a property  
1 9 rights defense account is established under this  
1 10 section, moneys which remain unclaimed under section  
1 11 100, subsection 10, paragraph "d", of this Act, may be  
1 12 deposited in the account. Interest or earnings on  
1 13 moneys in the property rights defense account shall be  
1 14 credited to the account. Moneys in the property  
1 15 rights defense account are not subject to transfer,  
1 16 appropriation, or reversion to any other account or  
1 17 fund, or any other use except as provided in this  
1 18 section.  
1 19 2. Moneys in the account shall be used for the  
1 20 reimbursement of reasonable attorney fees and  
1 21 reasonable costs incurred by a property owner as the  
1 22 result of proceedings initiated under this Act,  
1 23 chapters 6A and 6B, and section 657A.10A.  
1 24 3. Property owners shall apply to the city council  
1 25 on a form prescribed by the city council. If  
1 26 sufficient funds exist in the account, the city  
1 27 council shall reimburse each property owner who  
1 28 applies for all reasonable attorney fees and  
1 29 reasonable costs incurred. If insufficient funds  
1 30 exist in the account to reimburse a property owner for  
1 31 all reasonable attorney fees and reasonable costs  
1 32 incurred, the city council shall reimburse the  
1 33 property owner for the fees and costs in an amount  
1 34 equal to the remaining balance in account.>  
1 35 #2. Page 1, line 1, by striking the word and  
1 36 figure <Section 1> and inserting the following: <Sec.  
1 37 100>.  
1 38 #3. Page 2, by inserting after line 33 the  
1 39 following:  
1 40 <6A. Notwithstanding any provision of this section  
1 41 to the contrary, the district court shall dismiss the  
1 42 petition upon receipt of a written request from the  
1 43 property owner to do so. The property owner shall  
1 44 also provide notice of the request to the petitioning  
1 45 city.>  
1 46 #4. Page 4, by striking lines 3 through 5 and  
1 47 inserting the following: <city, the court shall order  
1 48 the city to pay an award to the respondents in an  
1 49 amount equal to the fair market value of the property  
1 50 in its current condition. The city shall deposit the  
2 1 award with the clerk of the district court. Upon  
2 2 deposit of the amount awarded with the clerk of the  
2 3 district court, title to the property shall pass to  
2 4 the city, and the city may take possession of the  
2 5 property.>  
2 6 #5. Page 4, by striking lines 6 through 8 and  
2 7 inserting the following:  
2 8 <b. Notice of the deposit with the clerk of the  
2 9 district>.  
2 10 #6. Page 4, by striking line 10 and inserting the  
2 11 following: <provided in subsection 4.  
2 12 c. The court shall retain jurisdiction of the  
2 13 action to determine the priority of liens and other  
2 14 interests of each respondent in the amount deposited  
2 15 with the clerk of the district court. Upon the  
2 16 request of any respondent, the court shall apportion  
2 17 the amount deposited with the clerk of the district  
2 18 court among the respondents.  
2 19 d. If the amount deposited with the>.  
2 20 #7. Page 4, line 13, by inserting after the words  
2 21 <in the> the following: <city's property rights  
2 22 defense account or in the>.  
2 23 #8. Title page, line 2, by inserting after the  
2 24 word <years> the following: <and authorizing cities

2 25 to establish a property rights defense account>.  
2 26 [#9](#). By renumbering, relettering, or redesignating  
2 27 and correcting internal references as necessary.  
2 28 SF 415.H  
2 29 md/cm/25